



MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, JANUARY 17, 2024, 4:00 PM

The Zoning Board of Appeals convened in regular session at 4:02 PM, January 17, 2024. called the meeting to order.

Roll Call

Attendee Name	Title	Status
Terry Ballantini	Vice Board Chair	Present
Michael Straza	Board Chair	Present
Ross Webb	Board Member	Present
Tim Foley	Board Member	Present
Zachary Zwaga	Board Member	Present
Victoria Harris	Board Member	Present
Nikki Williams	Board Member	Absent

City Staff present included Jon Branham, City Planner; Alissa Pemberton, City Planner; John Myers, Assistant City Planner; Kelly Pfeifer, Assistant Director of Economic & Community Development, and George Boyle, Assistant Corporation Counsel.

Public Comment

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at cityblm.org/register at least 5 minutes before the start of the meeting.

No public comment was provided.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to approve the consent agenda as presented.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Zwaga; Board Member Foley

Motion passed.

Item 4.A. Review and approval of the minutes of the December 20, 2023, regular meeting of the Bloomington Zoning Board of Appeals.

Regular Agenda

The following item was presented:

Item 5.A. SP- 01- 24 - Public hearing, review, and action on a request submitted by Glass America, for approval of a **Special Use Permit** for a Vehicle Repair & Service Use, in the B-1 (General Commercial) District for the property located at 1706 E. Hamilton Road (PIN: 21-15-179-006).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He explained that the proposed use of Vehicle Repair & Service requires a Special Use Permit in the B-1 (General Commercial) District. He noted the applicant plans to minimally modify the interior of the property. No exterior modifications are proposed. He reviewed other conditions of the site and the surrounding properties.

Vice Board Chair Ballantini inquired whether the property was currently occupied.

Mr. Branham noted that it is currently unoccupied and previously was used for Construction Services.

Rusty Robins (1706 Hamilton Road), Applicant, clarified the activities that would occur within the building. He stated the business provides glass services for vehicles such as windshield repair, calibrations, and replacement. He noted that they are leasing the property.

Board Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Webb, to establish findings of fact that all standards for approval of a Special Use Permit are met and to recommend approval of the request submitted by Glass America for a Special Use Permit for a Vehicle Repair and Service Use in the B-1 (General Commercial) District, for the property located at 1706 E. Hamilton Road.

Roll call.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Zwaga; Board Member Foley

Motion passed.

New Business

Mr. Branham presented a variety of potential text amendments to receive input from the Board. He noted the updates would include removing the Special Use Permit requirement from chicken-keeping and permitting six-foot-tall fences in portions of the Required Front Yard on corner lots.

Board Member Williams arrived at 4:10PM.

Mr. Branham explained an application and annual registration process for chicken-keeping would be required and would be added to the schedule of fees. He also noted there would be additional clarification for the chicken enclosures.

Vice Board Chair Ballantini expressed concern for public comment that is typically seen with chicken-keeping applications.

Mr. Branham stated that chicken-keeping is considered an accessory use and will follow standard protocol in the event of a received complaint. He added that most of the chicken-keeping complaints are due to unpermitted chickens. He also noted that beekeeping originally started as a Special Use, but now is a permitted accessory use. He also provided data regarding the history of chicken-keeping cases over the past few years.

Ms. Pemberton stated staff will still need to review chicken keeping permits to ensure compliance with the Code. She noted that the goal is to reduce the costs, work, and time associated with chicken keeping.

Board Member Webb asked how the fee is determined.

Mr. Branham explained the current filing fee required for Special Use Permits. He stated they would review similar application fees for the proposed fee structure.

Ms. Pemberton added that accessory use permits were the basis for the proposed fee structure.

Mr. Boyle noted that it is important to remember that fees are not supposed to be used to encourage or discourage behavior.

Vice Chair Ballantini restated his concern for residents who live within proximity to chicken-keeping locations and their ability to be heard in a public forum.

Ms. Pemberton stated through research, unpermitted chickens cause most of the issues. She noted that complaints would be submitted to Community Enhancement and will be handled according to their protocol.

Board Member Harris asked about data for complaints after approval.

Ms. Pfeifer stated complaints could not be discerned. She noted that inspectors and property maintenance employees noted it was unpermitted chickens causing the most issues. She explained that the Economic & Community Development Department is prepared to handle these cases internally.

Mr. Branham reviewed the proposed text amendment regarding fence height and the updated site diagram. He noted the proposed amendment would maintain sight vision requirements and provide pedestrians ample space along public sidewalks.

Vice Board Chair Ballantini inquired if this would impact any of the recently reviewed cases.

Mr. Branham stated that some of the variance cases for residential fence height would not have been necessary with the proposed changes.

Board Member Foley inquired whether the proposed changes would affect alleyways.

Mr. Branham stated the setback and sight distance requirements have been addressed to maintain safety at intersections of alleyways, streets, and driveways. He stated fences would still be allowed at six-foot heights along alleys which adjoin Required Rear Yards.

Ms. Pfeifer noted that the Zoning Board of Appeals is meant for extreme hardships concerning land. She stated the proposed text amendments are meant to reduce the number of cases coming before the Board.

Adjournment

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to adjourn the meeting.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Zwaga; Board Member Foley; Board Member Williams.
Motion passed.

The Meeting Adjourned at 4:27 PM

CITY OF BLOOMINGTON

Michael Straza

Chair Michael Straza

Jon Branham

Jon Branham, Staff Liaison